IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1230 OF 2005

Arun Barik & Anr ...Petitioners

Versus

Atul Sohanlal Sharma & Anr ...Respondents

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Mr. H.H. Ponda i/b R.V. Talasikar, Advocate for Petitioners

Mr. V.B. Konde Deshmukh, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 13TH JUNE, 2005

P. C.:-

1. Heard the learned advocate for the petitioners and the learned A.P.P. for the State.

2. The petitioners have prayed for quashing of process issued in Criminal Case No. 945 of 1999 pending in the Court of learned Judicial Magistrate, First Class, Dindori. In the said case, process has been issued against the petitioners under Section 427, 447 r.w. 34 of I.P.C.

3. For the reasons recorded in my order dated 8th June, 2005 passed in Criminal Application No.645 of 2005 and order dated 13th June, 2005 passed in Criminal writ petition No. 213 of 2005, the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing

process. Hence, in my view, it would be appropriate that the petitioners prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer revision before the concerned Sessions Court. Looking to the fact that both the petitioners are residing in different states i.e. Karnataka and Uttar Pradesh, till the disposal of the revision I am inclined to grant exemption from personal appearance to the petitioners before the trial Court unless the learned Magistrate is of the opinion that their presence is absolutely necessary.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing the necessary parties.

6. Criminal writ petition is disposed of.

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